

Annette Baier

## The Rights of Past and Future Persons

No one doubts that future generations, once they are present and actual, will have rights, if any of us have rights.<sup>1</sup> What difference is made if we say, not that they *will* have, but that they *do* have rights—*now*? I see two main points of difference—first, that those rights will then give rise to obligations on our part, as well as on their contemporaries' part; and, second, that what they have a right *to* will be different. In addition to whatever political and civil rights they have or will have, they will also each have a right to a fair share of what is then left of the earth's scarce resources. If they *now* have rights, they have rights to a share of what is *now* left of those scarce resources. To believe that they have rights is to believe that *we* must safeguard those rights and that, where the right is to a share, that *we* must share with them, and that the size of our share is affected by their right to share.

Should we believe that future persons not merely *will* have rights, but that they presently *do* have rights? To decide this I shall first consider whether any conceptual incoherence would result. Having eliminated that threat, I shall turn to the question of what rational or moral grounds there might be for the belief. I shall argue that some of the reasons for recognizing obligations to future persons are closely connected with reasons for recognizing the rights of past persons and that these reasons are good ones. In addition there are the obligations that arise from our responsibility for the very existence of those future persons, through our support of social policies that affect the size and nature of the human population in the future. I shall argue that we have good reason to recognize these obligations to future persons, whether or not we see them as arising out of their rights.

I turn first to the question of what we are committed to in asserting that a person has a certain right. I take it that this is to assert:

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- (a). That at least one other person has an obligation to the right-holder. This obligation may be to refrain from interfering with some activity of the right-holder or to take some positive steps to secure for the right-holder what he or she has a right to. These steps may be ones that benefit the right-holder or some third party, as would be the case if I have promised a friend to feed his cat. He thereby has a right to my services that are intended to benefit the cat. Following Feinberg's<sup>2</sup> terminology, I shall say that the obligation is *to* the right-holder and *toward* whomever is the intended beneficiary.
- (b). There is, or there should and could in practice be, socially recognized means for the right-holder, or his or her proxy, to take appropriate action should the obligations referred to in (a) be neglected. This action will range from securing belated discharge of the obligation, to securing compensation for its neglect, to the initiation of punitive measures against the delinquent obligated person.

I think that this account covers both legally recognized rights and also moral rights that are more than mere "manifesto" rights,<sup>3</sup> since clause (b) requires that effective recognition could be given to such rights. Such effective recognition can of course be given only to a set of nonconflicting rights, and so I assume that to claim anything as a right is to claim that its effective recognition is compatible with the effective recognition of the other rights one claims to exist.<sup>4</sup> To claim a moral right to something not effectively recognized as a right is to claim that it could without contradiction to other justifiably recognized rights *be* given recognition, that only inertia, ignorance, greed or ill-will prevents its recognition.

This account of what it is to have a right differs in another sense from the account that is more commonly given. The point of difference lies in the extension of power to claim the right from the right-holder to his spokesman, vicar, or proxy. This extension is required to make sense of the concept of rights of past or future generations. I think we already accept such an extension in empowering executors to claim the rights of the deceased whose wills they execute. The role of executor is distinct from that of trustee for the heirs. We recognize obligations both *to* and *toward* the legal heirs, and *to* the person who made the will. Where the legal heirs are specified only as the "issue" of certain persons known to the will-maker, we already accept the concept of an obligation, owed by the trustees, to look after the interests of such not-yet-determinate persons.

Can those who protect the rights of future persons be properly regarded as their spokesmen, claimants of their rights in the present, when they, unlike executors of wills, cannot be appointed by the original right-holder? The rights of past persons, claimed by their recognized spokesmen, are person-specific rights to have their legally valid powers exercised, while the rights in the present claimed for future persons will be general human rights. No one needs to be privy to the individual wills of future persons to claim their right to clean air. Already recognized spokesmen for known past persons, claiming their

particular rights, need knowledge of them, their deeds, and their wishes, and so are sensibly required to have a special tie to the original right-holder, initiated by him. Spokesmen for future persons, claiming general rights, need no such tie.

If future generations have rights, then we, or some of us in some capacity, have obligations to and presumably also toward them, and their spokesman should be empowered to take action to see to it that we discharge those obligations. I see no conceptual incorrectness in attributing such rights. Admittedly we do not now recognize any person as the proper spokesman, guardian, and rights-claimant for future generations. But we could, and perhaps we should.

The fact that future generations are not *now* living persons is irrelevant to the issue, if, as I have argued, we are willing to speak of the rights of those who are no longer living persons. The fact that we do not and cannot have knowledge of the special characteristics and wishes of future generations is, I have claimed, also irrelevant to the recognition of their rights to basic nonspecial human requirements, such as uncontaminated air. Our dependence on fossil fuels may be, compared with the needs of past generations, quite special, and there may be good reason not to extrapolate that need into the distant future. But there is no reason to think that the need for air will be lessened by technological progress or regress in the future. Our ignorance of precisely *who* future generations will be, and uncertainty of how numerous they will be, may be relevant to the priority of our obligations to them, compared with obligations to the living, should conflicts arise; but it is not relevant to the reality of obligations to future persons, nor to the moral priority of such obligations over our tastes for conspicuous consumption or our demands for luxury and for the freedom to waste or destroy resources.

As lawful heirs of specific past persons, some of us may have a right to what those persons intended us to possess, should there be sufficient moral reason to recognize the disputed right to pass on private property and to inherit it. By contrast, we all inherit a social order, a cultural tradition, air and water, not as private heirs of private will-makers but as members of a continuous community. We benefit from the wise planning, or perhaps the thoughtless but fortunate conservation, of past generations. In so far as such inherited public goods as constitutions, civil liberties, universities, parks, and uncontaminated water come to us by the deliberate intention of past generations, we inherit them not as sole beneficiaries but as persons able to share and pass on such goods to an indefinite run of future generations. It was, presumably, not for this generation in particular that public spirited persons in past generations saved or sacrificed.

Rights and obligations are possessed by persons not in virtue of their unique individuality but in virtue of roles they fill, roles that relate to others. For example, children, *qua* children, have obligations to and rights against parents *qua* parents. My obligations as a teacher are owed to my students, whoever they may be. When I discharge obligations to them, such as ordering textbooks, I do not and need not know who those students will be. As long as I

believe that determinate actual persons will fill the role of students, will occupy a position involving a moral tie to me, my obligations are real and not lessened by my ignorance of irrelevant details concerning those role-fillers. As long as we believe there will be persons related to us as we are related to past generations, then any obligations and rights this relation engenders will be real. Whether there will be such persons is something about which we can have well-based beliefs, especially as it is to some degree up to us whether to allow such roles to be filled.

The ontological precariousness of future generations that some see as a reason for not recognizing any rights of theirs is not significantly greater than that of the future states of present persons. In neither case does ignorance of details about the future, or the possible nonexistence in that future of those who would benefit from discharge of obligations in the present, affect the reality of our obligations. To make sacrifices *now* so that others may benefit in the future is always to risk wasting that sacrifice. The moral enterprise is intrinsically a matter of risky investment,<sup>5</sup> if we measure the return solely in terms of benefits reaped by those toward whom obligations are owed. Only if virtue is its own reward is morality ever a safe investment. The only special feature in a moral tie between us and future generations lies in the inferiority of our knowledge about them, not in the inferiority of their ontological status. They are not merely possible persons, they are whichever possible persons will in the future be actual.

So far I have found no conceptual reason for disallowing talk of the rights of future persons. Neither their nonpresence, nor our ignorance of *who* exactly they are, nor our uncertainty concerning how many of them there are, rules out the appropriateness of recognizing rights on their part. The fact that they cannot now claim their rights from us puts them in a position no different from that of past persons with rights in the present—namely, a position of dependency on some representative in this generation, someone empowered to speak for them. Rights typically are *claimed* by their possessors, so if we are to recognize rights of future persons we must empower some persons to make claims for them.

Another thing that can be done with a right is to waive it. Past persons who leave no will waive the right that they had to determine the heirs of their private property. Since nothing could count as a sign that future generations waive their rights against us, then this dimension of the concept of a right will have no purchase with future generations, unless we empower present persons to waive rights not merely to claim but also to waive rights of future persons. Waiving rights is not alienating them by gift or exchange are both voluntary renunciations of what a right puts in the right-holder's secure possession. However, waiving rights, unlike alienating them, does not involve a transfer of the right. Since the rights that are transferred are always special rights, and the rights of future persons that we are considering are general ones, there can be no question of transferring such rights. But might a proxy waive them? Guardians of present persons (children, incompetents) do have the power to waive some rights on

behalf of their wards, but the justification for this practice, and any exercise of it, depends upon the availability of special knowledge of what will and will not benefit the right-holder. It is barely conceivable that we or any official we appointed could have such knowledge of the special needs of some future generations. If we were facing the prospect of a nuclear war and foresaw that any immediate successor generations would live in the ruins of civilization as we have known it, we might judge that there was no point in trying to preserve, say, the Bill of Rights for one's successors, although they had a *prima facie* right to inherit it. One might on their behalf waive that right, in extreme conditions, and bury the Constitution, rather than prolong our agony to fight for it. But such scenarios are bizarre, since it is barely conceivable that those who would bequeath to future generations the effects of a nuclear war would care about the rest of their bequest, about the fragments that might be shored against our ruin. The benefits that might be gained for future generations by empowering any of their ancestors to waive some of their rights seem minimal. Still, this is a question not of the conceptual absurdity of waiving a recognized right of future generations but of the practical wisdom of giving another this power.

I conclude that no conceptual error is involved in speaking of the rights of future generations. The concept of a right includes that of the justified power of the right-holder or his spokesman to press for discharge of obligations affecting his particular interests, or to renounce this power. The concept has already shown itself capable of extension to cover the rights of past persons and could as easily accommodate the rights of future generations if we saw good reason thus to extend it.

What might give us such a reason? I have already spoken of our position in relation to past generations whose actions have benefited us, either by planning or by good luck. The conservative way to decide the *moral* question is to ask whether we ourselves claim anything as a matter of right against past generations. Do we feel we had a *right* to be left the relatively uncontaminated water we found available to us, as a generation? Do we feel that the Romans, whose cutting down of forests left barren, eroded hillsides, violated a right of later generations? I think that we do not usually attribute to past generations the obligation to save for us, we do not accept their savings as only our just due, we do not usually condemn past generations where their actions have had bad effects in the present. But the reason for this may be that we are reluctant to attribute obligations where we are uncertain of the ability to meet them. Past generations, unlike ours, were rarely in a position to foresee the long-term effects of their actions, so are rightly not blamed by us for any harm they caused. Where what they did had good consequences for us, we accept these not as our due but as our good fortune. Where past generations deliberately saved or conserved for us, we accept their savings not as something they owed us, even when they may have believed they did owe it, but as something they chose to give us, where the "us" in question includes future generations.

It is possible that we stand to future generations in a relation in which no previous generation has stood to us; so that, although we have no rights against

past generations, future generations do have rights against us. This is a possible position one might defend. Our knowledge and our power are significantly different even from that of our grandparents' generation, and might be thought to give rise to new moral relationships and new obligations. Before turning to consider how we might determine what those new obligations are, and how to find for them a common ground with old obligations, I want to look more closely at our relations to past generations and to ask if there is anything they might have done that would have given us a reason to blame them for failing in their obligations to us.

I take as an example of a benefit made possible by the actions of earlier generations my own education at the University of Otago in New Zealand. This university was founded extraordinarily early in the establishment of the colony because of the high priority the Scottish colonists gave to education and to its free availability. The existence of a distinguished university, and of the institutions supporting and financing it, was due to the efforts of people in my great grandparents' generation. Had they not made that effort, or had they or later generations established a university that only the wealthy could attend, I would have had no ground for complaint against them. They did not owe me a university education. But had an intervening generation allowed the university and its supporting institutions to founder, and done so from unwillingness to spend on its upkeep the resources that could be used for personal profit, I and my generation *would* blame those who failed to pass on the public benefits they themselves inherited. One obligation that every generation has toward subsequent generations is to leave "as much and as good" of the public goods previous generations have bequeathed them. This obligation arises as much from a right of past persons to have their good intentions respected as it does from any right of future persons, but I think there *is* a right to have passed on to one those public goods that, but for ill will or irresponsibility, would have been passed on. If I had been deprived of an education because a previous generation had destroyed an already founded university for the sake of its own greater luxury, I would feel that *my* rights, as well as those of the university's founders, had been overridden. It is interesting to note that the rights of past benefactors and their future beneficiaries give rise to one and the same obligation. Indeed, if we consider the motivation of the university's founders, who were heirs to a Scottish tradition of investment in public education, we find that they saw themselves as much as *preservers* as creators, as passing on, in new and difficult conditions, a heritage they had themselves received. As one of their hymns put it:

They reap not where they laboured,  
We reap where they have sown.  
Our harvest will be garnered  
By ages yet unknown.

The metaphor of seed and harvest is the appropriate one where what is passed on, sown, is the same good as was received or harvested from the earlier sowing

by others. The obligation that each generation has, which is owed equally to past and future generations, is the obligation to preserve the seed crop, the obligation to regenerate what they did not themselves generate.

That this obligation can be seen as due, indifferently, to past or future persons shows something of considerable importance about obligations in general and about the moral community. Earlier I said that rights are possessed not in virtue of any unique individuality but in virtue of roles we fill. The crucial role we fill, as moral beings, is as members of a cross-generational community, a community of beings who look before and after, who interpret the past in the light of the present, who see the future as growing out of the past, who see themselves as members of enduring families, nations, cultures, traditions. Perhaps we could even use Kant's language and say that it is because persons are *noumenal* beings that obligations to past persons and to future persons reinforce one another, that every obligation is owed by, to, and toward persons as participants in a continuing process of the generation and regeneration of shared values.

To stress the temporal continuity of the moral community is not to deny that accumulating knowledge and increasing power make a difference to the obligations one has. Earlier I said that the reason we do not morally condemn earlier generations for those actions of theirs whose consequences are bad for us is the reasonable doubt we feel about the extent to which they knew what they were doing. If the overgrazing that turned grasslands into deserts were thought by us to have been a *calculated* policy to increase a past generation's nonrenewed wealth, at our expense, we would condemn them for it. Any obligations we have to generations future to us that find no exact analogue in obligations past persons owed us arise, I believe, both from special features of our known control over the existence and the conditions of life of future generations and from our awareness of what we owe to past generations. We are especially self-conscious members of the cross-generational community, aware both of how much, and how much more than previous generations, we benefit from the investment of earlier generations and of the extent to which we may determine the fate of future generations. Such self-consciousness has its costs in added obligations.

Another sort of obligation we may have to future generations arises out of our failure to discharge other obligations to them. We, unlike earlier generations, are in a position to control population growth and to attempt to gear it to the expected supply of essential resources. Where we are failing to use this ability responsibly, we incur obligations to compensate our victims in a future overcrowded world for the harm we have thereby done them. Special efforts to increase, not merely to conserve, needed food and water resources are the appropriate accompaniment to our neglect of the obligation not to overbreed.

Our special position, relative to previous generations, in the procession of human possessors of knowledge and power, gives us the ability to end the sequence of human generations as well as to be self-conscious and deliberate in our procreative or regenerative activities. It is a consequence of my version of

the cross-generational moral community that this power to end the human community's existence could justifiably be exercised only in conditions so extreme that one could sincerely believe that past generations would concur in the judgment that it all should end. I do not think that anyone, past, present, or future, has a right to exist, and certainly no merely possible person has such a right. But we do not need the rights of possible persons to restrain us from bringing about the end of human life, the rights of past persons and the very nature of membership in a moral community rule that out in all except the very direst circumstances. Just as we have no *right* to use up all scarce resources in our generation for our own luxury or whim but, rather, an obligation to renew what we use, to pass on what we received, so we have no right to decree the ending of an enterprise in which we are latecomers. To end it all would not be the communal equivalent of suicide, since it would end not only our endeavors but those invested endeavors of all our predecessors. Only if they could be seen as concurring in the decision not to renew human life, or not to allow it to be renewed, could such a decision be likened to suicide.

I have said almost nothing about the theoretical basis for the obligations and rights I have claimed exist. Indeed, I am not sure that theories are the right sort of thing on which to ground assertions about obligations. In any case I shall not here go into the question of which moral theory would best systematize the sorts of reasons there are for recognizing the rights and obligations I have invoked. Kant's moral theory, if it could be stripped of its overintellectualism, Burke's account of a cross-generational community, if it could be stripped of its contractarian overtones, Hume's account of the virtues recognized by us humans who see ourselves as "plac'd in a kind of middle station betwixt the past and the future" who "imagine our ancestors to be, in a manner, mounted above us, and our posterity to lie below us,"<sup>6</sup> Rawls's idea of social union, of a continuing community in which "the powers of human individuals living at any one time takes the cooperation of many generations (or even societies) over a long period of time,"<sup>7</sup> if this could be used, as he does not use it, to give an account of the right as well as the good, all these give us assistance in articulating the reasons that we should recognize obligations of piety to past persons and responsibility to future ones. I do not think that either utilitarian theories or contractarian theories, or any version of any moral theory I am familiar with, captures the right reasons for the right attitudes to past and future persons. Perhaps we need a new theory, but the "intuitions" it will ground are, I believe, very old ones. I have relied, rather dogmatically, on those intuitions that I think are fairly widely shared, but before attempting to summarize in broad outline the factors relevant to our obligations to future generations I need to make clear a few points about the community in which such obligations arise.

First, it is not a community to which one *chooses* to belong, but one in which one finds oneself. By the time any moral reflections arise, one is already heir to a language and a way of life, and one has already received benefits from those particular older persons who cared for one in one's initial extreme



dependency and who initiated one into a way of life. This way of life typically includes conventions to enable one voluntarily to take on obligations as well as to renounce and transfer some rights; but not all obligations are self-imposed, and those that are arise from institutions, like that of promising, which depend for their preservation on other obligations that are not self-imposed. As Hume said: "We are surely not bound to keep our word because we have given our word to keep it."<sup>8</sup> We may, and usually do, "agree," as Hume put it, or go along with the customs we find in force, including the custom of promising and demanding that promises be kept, since we see the benefits of having such a practice; but any obligations there may be to support existent practices depend not on the prior consent of the obligated but on the value of the practice to all concerned and on their reliance on it.

Reliance creates dependency, and the second point I wish to make is that the relations that form a moral community, and which, once recognized, give rise to obligations, all concern dependency and interdependency. Some of these dependency relations are self-initiated, but the most fundamental ones are not. The dependency of child on parent, for example, is a natural and inevitable one, and the particular form it takes is socially determined but certainly not chosen by the child. Socially contrived dependencies shape, supplement, and balance natural and unavoidable dependencies. Rights and duties attach to roles in a network of interdependent roles, which if it is wisely designed will conserve and increase the common store of goods, and if it is fairly designed will distribute them equitably. Some morally significant and interrelated roles are ones we all occupy in sequence—the dependent child becomes the adult with children in his care, those who care for the dependent elderly themselves become old and in need of care. Similar to these roles in their reference to earlier and later persons, but unlike them in that we do not occupy them in temporal succession, are the roles of inheritor from past generations, executor and determiner of the inheritance of future generations. In filling these roles one both receives and transfers goods, but the transfer involved is of necessity non-reciprocal, only a *virtual* exchange, and the taking begins to occur too early to be by choice.

The third point is that the cross-temporal moral community in which one finds oneself is not restricted to those who share one's own way of life, but extends to all those with whom one stands, directly or indirectly, in dependency or interdependency relations. Although a seventeenth-century Scotsman may have had no ties, social or economic, with Maoris in New Zealand, or even any knowledge of them, he has indirect ties if his descendants have economic and social and political relations with them. Interdependency is transitive, and so relates me to all those with whom either earlier or later participants in my particular way of life have stood in interdependent relationships.<sup>9</sup> Thus the tie linking "those who are living, those who are dead, and those who are yet to be born"<sup>10</sup> is a cross-cultural one and brings it about that (at least) no one human is alien to me.

What facts about our own dependency relations to past and future generations are relevant to deciding what rights and duties those relations should

entail? As far as our own duties to past and future generations go, the relevant facts are these: first our relatively privileged material position, compared with that of most members of most previous generations; second, our dependency for this on past generations as well as our own generation's efforts; third, our power to affect the lot of future generations; fourth, our comparatively extensive knowledge of the long-term effects of our policies; and fifth, the fact that when past generations conserved or saved deliberately for the sake of future generations (in creating parks, writing and fighting for constitutions) there is no reason to think that it was for us in particular, but rather that it was done on the assumption that we would pass on the inheritance. To sum up, the chief facts are our indebtedness to the past and our dangerously great ability to affect the future. We, like most of our forebears, are the unconsulted beneficiaries of the sacrifice of past generations, sometimes seen by them as obligatory, often in fact nonobligatory. If we owe something in return, what is it, and what can we do for those who benefited us? The most obvious response is to continue the cooperative scheme they thought worth contributing to, adapting our contributions to our distinctive circumstances. What is distinctive is our increased ability to plan and foresee the future (and to recognize the dangers of overplanning). If we say that all generations have owed it to the moral community as a whole, and to past generations in particular, to try to leave things no worse than they found them, then we too have that obligation. In addition, in as far as past generations, by supererogatory effort, left things *better* than they found them, we owe it to them to pass on such inherited benefits. We must not poison the wells, even such wells as we have deepened.

We, unlike our ancestors, are better able to judge and control what will benefit and harm our descendants, so our obligations are correspondingly more determinate. Does our special position warrant speaking of the rights of future generations and not just of our obligations toward them? I have argued that past generations have rights against us, that we not wantonly waste or destroy what they made possible for us to have, not intending it for us only. It would therefore be appropriate to recognize spokesmen for their rights. Should spokesmen for future generations, as well as for past generations, be empowered to ensure that we discharge our obligations, take our "trusteeship" seriously, and should we see our obligations as arising out of the rights of future generations?

When we speak of obligations as arising out of rights, we do several morally pertinent things. First, we put a certain emphasis on determinate interests that these rights protect and individuate our obligations by reference to these individual interests of persons. Second, we give a certain guarantee of moral priority to the protection of these definite central interests over negotiable goods. Third, we give the person whose interest a right protects a certain power of individual initiative to claim or demand or waive the right.<sup>11</sup> In all three aspects the concept of a right goes along with that of a certain individualist version of respect for persons and involves seeing obligations as arising out of this respect.

I have argued for a convergence of important interests of past and future persons, so that obligations to future persons do not stem from consideration of their interests alone. But their interests are of undeniable importance and merit a high priority, so that the first two dimensions of rights apply here. The third ingredient, respect for the rightholder's initiative in claiming a right, could only be fictionally present in the case of future generations, if we recognized a spokesman for them. I see no reason in principle why we should not speak of rights of future generations as well as of our obligations to them, but on the other hand I see nothing very important to be gained by doing so. As long as we recognize our obligations to consider the good of the continuing human community, it matters little whether we speak of the rights of future persons. Whether an official agency to execute our collective obligations were seen as a guardian of the interests of future persons or as a spokesman for their rights would make little difference to the responsibility of such an agency. To speak of their rights would be to commit ourselves to the priority of whatever rights we recognized over our own lesser interests. Until we are clear exactly what priority we are willing to give to the interests of future persons, and to which of their interests we will give this priority, it would be less misleading not to use the language of rights. We should first recognize that we have obligations, then devote ourselves to clarifying the precise content of these. If when that is done we find that we do believe we should give priority to certain definite individuated rights of future persons, we can then recognize and itemize such rights.

I have not detailed the content of our obligations to future persons, but have addressed myself only to the general question of whether there are any. I shall end by repeating the features of our own relationship with future persons that I have claimed to be relevant to these obligations. Future persons stand to us in several morally pertinent roles that give rise to obligations on our part:

1. As those who, like us, depend upon naturally self-renewing resources like air, soil, and water, which none of us produced, they are owed the use of these resources in an unpoisoned state.
2. As intended heirs, with us, of the public goods past generations created, often at great cost and sacrifice, they are owed their share in these goods.
3. As those whose existence we could have prevented, but which we owe it to past generations not to prevent wantonly or for our own increased luxury, they have a right to a tolerable and so to a not-too-crowded existence. Our duty to the past is to ensure that, short of catastrophe, there be future persons. Our duty to those persons is to ensure that there not be too many of them.
4. As victims of our probable failure to meet the last mentioned obligation, they are owed some compensation from us. This means, for example, that we as a society should be working on methods to increase food supplies beyond those that would be needed should our justifiable population policies succeed.

I have claimed that there is no conceptual counter-reason, and that there is good moral reason, to recognize obligations to future generations, to recognize that either they, or past generations, or both, have a moral right to our discharge of such obligations. I agree with Golding that "if obligation to the past is a superstition, so is obligation to the future,"<sup>12</sup> and I have tried to suggest that, if both these are superstitions, then all obligation is superstition.

## NOTES

1. I do not take it for granted that any of us do in any morally significant sense have rights. We do of course have legal rights, but to see them as backed by moral rights is to commit oneself to a particular version of the moral enterprise that may not be the best version. As Hegel and Marx pointed out, the language of rights commits us to questionable assumptions concerning the relation of the individual to the community, and, as Utilitarians have also pointed out, it also commits us more than may be realistic or wise to fixing the details of our moral priorities in advance of relevant knowledge that only history can provide.

2. J. Feinberg, "Duties, Rights and Claims," *American Philosophical Quarterly*, vol. 5, no. 2 (April 1966).

3. J. Feinberg, *Social Philosophy* (Englewood Cliffs, N.J.: Prentice-Hall, 1973), p. 67. The term 'manifesto rights' is from Joel Feinberg, who writes, "[I am] willing to speak of a special 'manifesto sense' of 'right,' in which a right need not be correlated with another's duty. Natural needs are real claims, if only upon hypothetical future beings not yet in existence. I accept the moral principle that to have an unfulfilled need is to have a kind of claim against the world, even if against no one in particular. . . . Such claims, based on need alone, are 'permanent possibilities of rights,' the natural seed from which rights grow." (p. 67)

4. I assume that while it makes sense to speak of *prima facie* and possibly conflicting obligations, statements about rights gave final moral decisions, so there are no *prima facie* or conflicting rights.

5. I have discussed this in "Secular Faith," *Canadian Journal of Philosophy* (March 1979).

6. David Hume, *Treatise of Human Nature*, ed., Selby Bigge (Oxford University Press, 1968) p. 437.

7. John Rawls, *A Theory of Justice*, p. 525. Rawls uses this idea of a cross-temporal social union to explicate the concept of the good, but in his account of justice he restricts the relevant moral community, those who make an agreement with one another, to contemporaries who do not know their common temporal position.

8. David Hume, *Enquiry Concerning the Principles of Morals*, ed., Selby Bigge (Oxford: Clarendon Press, 1935), p. 306.

9. This transitivity of dependency and interdependency does not imply any strong cultural continuity; but I do assume that, where the dependency is recognized and so is obligation-engendering, there is sufficient common culture for some sort of understanding of intentions to be possible. Even if, as those like Michael Foucault believe, there is radical discontinuity in human culture, so that we are deluded if we think we can understand what Plato or Hume meant, it is nevertheless a significant fact that we try to understand them and that we get insight from those attempts. Indeed, part of the

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p. 91.

intention of any writer, artist, or producer of other meaningful human works, may be to provide something that can be reinterpreted. We do not need to see the heritage of the past to be fixed in form in order to value it, nor see future persons as strict constructionists, finding only our intentions in our works, in order to work for them.

10. Edmund Burke, *Reflections on the Revolution in France* (London: Macmillan, 1910), pp. 93-94.

11. H. L. A. Hart stresses this element in the concept of a right in "Are There Any Natural Rights?", *Philosophical Review*, vol. 64 (1955), and in "Bentham on Legal Powers" in *Oxford Essays in Jurisprudence*. Second Series, ed., A. W. B. Simpson (Oxford: Clarendon Press, 1973).

12. M. P. Golding, "Obligations to Future Generations," *Monist* (January 1972), p. 91. [Reprinted in this anthology, pp. 61-72.]